

## **Rule 511. Insurance Regulators.**

### **(a) Definitions.**

- (1) “Commissioner” has the same meaning as set forth in Utah Code ~~section~~ §31A-1-301.
- (2) “Department” has the same meaning as set forth in Utah Code ~~section~~ §31A-1-301.
- (3) “NAIC” means the National Association of Insurance Commissioners.
- (4) “Confidential Information” means information, documents, and copies of these that are obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made under Utah Code §31A-16-107.5, §31A-16a-107 and all information reported under Utah Code ~~section~~ §§31A-16-105 and 31A-16a-105.

### **(b) Statement of the privilege for Confidential Information.**

(1) The Commissioner and the Department have a privilege to refuse to disclose in a private civil action Confidential Information that is within the possession or control of the Commissioner and the Department, unless the Commissioner has determined that the Confidential Information may be released pursuant to Utah Code ~~section~~ §§31A-16-109 and 31A-16a-108.

(2) The NAIC has a privilege to refuse to disclose in a private civil action Confidential Information that is within the possession or control of the NAIC.

**(c) Who may claim.** The privilege may be claimed solely by the Commissioner, representatives of the Department, or representatives of the NAIC.

**(d) Circumstances not constituting waiver.** No waiver of any applicable privilege shall occur as a result of disclosure of documents, materials, or information to the Commissioner under Utah Code ~~section~~ §§31A-16-109 and 31A-16a-108 or as a result of ~~the~~ sharing of documents, materials, or information under Utah Code ~~section~~ §§31A-16-109(3) and 31A-16a-108(3).

Effective December 1, 2017

**2017 Committee Note.** The 2017 amendments reflect 2017 legislative changes to the underlying statute. Minor style and other non-substantive edits were also made.